

## Chapter 262

### MINORS

**[HISTORY: Adopted by the Village Board of the Village of Spring Green 2-13-2002 (§§ 16.20, 16.21 and 16.23 of the Village Code). Amendments noted where applicable.]**

#### GENERAL REFERENCES

Bicycles and play vehicles — See Ch. 180.

#### ARTICLE I

##### Curfew <sup>1</sup>

##### **§ 262-1. Curfew established.**

It shall be unlawful for any person 17 years of age or under to be on foot, bicycle or in any type of vehicle on any public street, avenue, highway, road, alley, park, school grounds, swimming beach, cemetery, playground, public building or any other public place in the Village of Spring Green between the hours of 12:00 a.m. and 6:00 a.m., unless accompanied by his or her parent or guardian or person having lawful custody and control of his or her person, or unless there exists a reasonable necessity therefor. The fact that said child, unaccompanied by a parent, guardian or other person having legal custody, is found upon any such public place during the aforementioned hours shall be prima facie evidence that said child is there unlawfully and that no reasonable excuse exists therefor. It shall be unlawful for any person, firm or organization operating or in charge of any place of amusement, entertainment, refreshment or other place of business to permit any minor under the age of 17 to loiter, loaf, or idle in such place during the hours prohibited by this section. Whenever the owner or person in control of any place of amusement, entertainment, refreshment or other place of business during the hours prohibited by this section shall find persons under the age of 17 loitering, loafing or idling in such place of business he shall immediately order such person to leave, and if such person refuses to leave said place of business, the operator shall immediately notify the Police Department and inform it of the violation.

##### **§ 262-2. Parental responsibility.**

It shall be unlawful for any parent, guardian or other person having the lawful care, custody and control of any person under the age of 17 years to allow or permit such person to violate the provisions of § 262-1 above. The fact that prior to the present offense a parent, guardian or custodian was informed by any law enforcement officer of a separate violation of this article occurring within 30 days of the present offense shall be prima facie evidence that such parent, guardian or custodian allowed or permitted the present violation. Any parent, guardian or custodian herein who shall have made a missing person report to the Police Department shall not be considered to have allowed or permitted any person under the age of 17 years to violate this

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<sup>1</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

Amended April 26, 2023 §262-11, §262-12, & §262-14 – Amended to include Electronic Delivery Device

article.

**§ 262-3. Exceptions.**

The curfew shall not apply to children returning home from municipal, religious or school activities or children returning home from or traveling to employment.

**§ 262-4. Enforcement.**

Any member of the police force is authorized to arrest, with or without warrant, any person or persons violating the provisions of this article and any child unaccompanied by a parent, guardian, or other adult person having the lawful care and custody of said minor child.

**§ 262-5. Violations and penalties.**

Any minor child found violating the provisions of § 262-1 shall be taken to the police station where a written record shall be made, and the minor shall be released to his parent, guardian or custodian at the police station. For repeated violations the minor may be referred to the County Juvenile Court in accordance with the provisions of Ch. 48, Wis. Stats. Any person violating the provisions of § 262-2 shall, upon conviction, be subject to a forfeiture of not less than \$20 nor more than \$300 together with costs and assessments prescribed by law.

**ARTICLE II**  
**Habitual Truancy**

**§ 262-6. Definitions.**

As used in this article, the following terms shall have the meaning indicated:

**ACCEPTABLE EXCUSE** — An acceptable excuse as defined in §§ 118.15 and 118.16(4), Wis. Stats.

**HABITUAL TRUANT** — A pupil who is absent from school without an acceptable excuse for part or all of five or more days on which school is held during a school semester.

**§ 262-7. Prohibited conduct.**

Any person under the age of 18 years enrolled in school shall not be an habitual truant.

**§ 262-8. Dispositions.**

Any person who is found to be an habitual truant may be subject to one or more of the following dispositions by the court:

- A. Suspension of the child's operating privilege, as defined in § 340.01(40), Wis. Stats., for not less than 30 days nor more than one year. The Judge shall immediately take possession of the suspended license and forward it to the Department of Transportation of the State of Wisconsin, together with a notice stating the reason for and the duration of the

suspension.<sup>2</sup>

- B. An order for the child to participate in counseling, community service or a supervised work program under § 938.34(5g), Wis. Stats.
- C. An order for the child to remain at home except during the hours in which the child is attending religious worship or a school program, including travel time required to get to and from the school program or place of worship. The order may permit a child to leave his or her home if the child is accompanied by a parent or guardian.
- D. An order for the child to attend an educational program under § 938.34(7d), Wis. Stats.

**§ 262-9. Parental responsibility.**

No parent, guardian or other adult may knowingly allow a student to absent himself or herself from attendance at school without an acceptable excuse. Each day or part of day that a parent, guardian or other adult knowingly allows a student to absent himself or herself from school without an acceptable excuse shall constitute a separate offense.

**§ 262-10. Violations and penalties.**

Any parent, guardian or other adult who knowingly allows a student to absent himself or herself from attendance at school without an acceptable excuse shall be in violation of § 262-9 of this article and shall forfeit to the Village of Spring Green upon conviction thereof the following:

- A. Forfeiture of not less than \$20 and not more than \$300 for the first offense.<sup>3</sup>
- B. Forfeiture of not less than \$40 and not more than \$500 for any subsequent offense within a one-year period.<sup>4</sup>
- C. Costs, fees and surcharges imposed under Ch. 814, Wis. Stats., and the penalty surcharge imposed by § 757.05, Wis. Stats.<sup>5</sup>
- D. Jail assessment allowed by § 302.46(1), Wis. Stats.
- E. Automation fee imposed by § 814.86, Wis. Stats.
- F. Costs of prosecution as provided by § 814.63(4), Wis. Stats.

ARTICLE III

**Purchase or Possession of Tobacco Products <sup>6</sup>**

**§ 262-11. Definitions.**

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2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

5. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

6. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

Amended April 26, 2023 §262-11, §262-12, & §262-14 – Amended to include Electronic Delivery Device

As used in this article, the following terms shall have the meaning indicated:

ADULT — Any person 18 years of age or older.

CHILD — Any person under the age of 18.

CIGARETTES — Has the meaning given in § 139.30(1m), Wis. Stats.

ELECTRONIC DELIVER DEVICE — Means any product containing, delivering or capable of containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of aerosol, mist, or vapor from the product. The term includes, but is not limited to, devices manufactured, distributed, marketed, or sold as electronic cigarettes or cigars, electronic pipes, personal vaporizers, electronic nicotine delivery systems, vape pens, and electronic hookahs. ii. “Vaping” means the use of an electronic delivery device.

SCHOOL — Any building under the jurisdiction of the School Board of the River Valley School District.

SCHOOL GROUNDS — Any ground owned, leased or used by the school under the jurisdiction of the School Board of the River Valley School District.

TOBACCO PRODUCTS — Has the meaning given in § 139.75(12), Wis. Stats.

#### **§ 262-12. Prohibited acts.**

Except as provided in § 262-13 below, no child may do any of the following:

- A. Buy, or attempt to buy, any cigarette, tobacco products, or Electronic Delivery Device, or any part of an Electronic Delivery Device.
- B. Falsely represent his or her age for the purpose of receiving any cigarette, tobacco products, or Electronic Delivery Device, or any part of an Electronic Delivery Device.
- C. Possess any cigarette or tobacco product (§ 938.983, Wis. Stats.), or Electronic Delivery Device, or any part of an Electronic Delivery Device.

#### **§ 262-13. Exceptions.**

A child may purchase or possess cigarettes or tobacco products for the sole purpose of resale in the course of employment during his or her working hours, if employed by a retailer licensed under § 134.65(1), Wis. Stats.

#### **§ 262-14. Use or possession on school grounds.**

- A. No child may possess or use any cigarette, tobacco product, or Electronic Delivery Device at any time in school or on school grounds.
- B. No adult may use any cigarette, tobacco product, or Electronic Delivery Device at any time in school or on school grounds.

**§ 262-15. Violations and penalties.**

Violation of this article shall be subject to a forfeiture of not less than \$20 nor more than \$300 together with costs and assessments as prescribed by law.